

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT JACKSON, et al.,

Plaintiffs,

v.

WELLS FARGO BANK, N.A., et al.,

Defendants.

Case No. 21-cv-04677-HSG

ORDER OF DISMISSAL

On April 21, 2021, Plaintiffs Robert Jackson and Queen Jackson filed a complaint against Defendants Wells Fargo Bank, N.A. and U.S. Bank in Contra Costa Superior Court. Dkt. No. 1. On June 17, 2021, Wells Fargo removed the case to federal court. *Id.* Both Defendants filed motions to dismiss, Dkt. Nos. 9 and 11, and the deadline to file an opposition passed without any submission by Plaintiffs. On July 22, 2021, Plaintiffs' counsel filed a motion to withdraw as counsel for Plaintiff. Dkt. No. 22. Plaintiffs did not appear at the hearing for the motion to withdraw. On August 27, 2021, the Court granted Plaintiffs' counsel's motion to withdraw due to Plaintiffs' decision to terminate him as counsel and their consistent failure to communicate. Dkt. No. 30. On August 27, 2021, the Court issued an order to show cause why the Court should not dismiss this action under Federal Rule of Civil Procedure 41(b) for failure to prosecute. Dkt. No. 31. In the order, the Court informed Plaintiffs that failure to respond by September 15, 2021 would result in dismissal of this action without prejudice. *Id.* Plaintiffs did not respond to the Court's order.

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1 Plaintiffs have failed to communicate with their former counsel, attend the motion to
2 withdraw hearing, respond to this Court's order to show cause, or otherwise participate in this
3 litigation. The Court finds that Plaintiffs have demonstrated that they are unable or unwilling to
4 adequately prosecute this case. Accordingly, the Court **DISMISSES** this action **WITHOUT**
5 **PREJUDICE** under Rule 41(b) for failure to prosecute. The clerk shall close the file.

6 **IT IS SO ORDERED.**

7 Dated: 10/19/2021

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9 HAYWOOD S. GILLIAM, JR.
10 United States District Judge
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